

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARILYN LARSON,

Plaintiff,

v.

**JO ANNE BARNHART, COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

CIVIL ACTION

No. 05-2132-CM

MEMORANDUM AND ORDER

The present dispute involves a request for review of defendant's denial of benefits. Pending before the court is Defendant's Motion to Reverse and Remand and for Entry of Final Judgment (Doc. 11).

Plaintiff initially did not respond to the motion, but the court entered an order to show cause why the motion should not be granted, and in response, plaintiff stated that she agrees with defendant that justice would be served by granting defendant's motion.

Pursuant to 42 U.S.C. § 405(g), "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." Defendant requests that the court reverse and remand this case to defendant for reevaluation.

The court finds that, based upon defendant's arguments in its motion, this case should be reversed and remanded for further consideration. The court's order shall be considered a final judgment. *See, e.g., Shalala v. Schaeffer*, 509 U.S. 292, 297-98 (1993).

IT IS THEREFORE ORDERED that Defendant's Motion to Reverse and Remand and for Entry of Final Judgment (Doc. 11) is granted. The above-entitled case is reversed and remanded for further agency review pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 21st day of February 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge